

# HOUSE BILL REPORT

## ESSB 5529

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**As Reported by House Committee On:**  
Commerce & Labor  
General Government Appropriations

**Title:** An act relating to architects.

**Brief Description:** Regarding architects.

**Sponsors:** Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Jarrett and King).

**Brief History:**

**Committee Activity:**

Commerce & Labor: 3/17/09, 3/27/09 [DP];  
General Government Appropriations: 4/1/09, 4/3/09 [DPA].

**Brief Summary of Engrossed Substitute Bill  
(As Amended by House)**

- Modifies and makes various clarifications to the seal and sign provisions, corporate practice and registration requirements, definitions, exemptions to registration as an architect, the application requirements, and the examination procedures.
- Adds a continuing education requirement for registered architects.
- Requires that the architects board prepare a report for the Legislature evaluating the impact of changes made to allowable practices.

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### HOUSE COMMITTEE ON COMMERCE & LABOR

**Majority Report:** Do pass. Signed by 5 members: Representatives Conway, Chair; Wood, Vice Chair; Green, Moeller and Williams.

**Minority Report:** Do not pass. Signed by 3 members: Representatives Condotta, Ranking Minority Member; Chandler and Crouse.

**Staff:** Alison Hellberg (786-7152)

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

## **Background:**

### Practice of Architecture.

A person practicing architecture must be registered. In order to qualify for registration, an applicant must meet the application requirements and pass an examination. The "practice of architecture" means the rendering of services in connection with the art and science of building design for construction of any structure or grouping of structures and the use of space within and surrounding the structure or the design for construction of alterations or additions to the structures, including but not specifically limited to schematic designs, design development, preparation of construction contract documents, and administration of the construction contract.

### State Board of Registration for Architects.

The State Board of Registration for Architects (Board) consists of seven members appointed by the Governor. Six members of the Board must be registered architects and have at least eight years of experience in the practice of architecture as registered architects. One member must be a member of the public, who has never been registered as an architect and is not employed by or professionally or financially associated with an architect. Board members serve for a term of six years.

### Application Qualifications.

To be registered as an architect, an applicant must be at least 18 years old, of good moral character, and possess one of the following:

- a degree in architecture, three years' work experience, and completion of a structured intern program approved by the Board; or
- eight years experience, which may include designing buildings as a principal activity, and completion of a structured intern training program approved by the Board.

### Examination.

The examination for architect registration is held annually as determined by the Board. Applicants who fail to pass any section of the examination are permitted to retake those particular sections. If the entire examination is not successfully completed within five years, a person is required to retake the entire exam.

### Corporate Practice and Registration.

An architect or architects may form as a business corporation or a professional corporation. Corporations must file with the Board to receive a certificate of authorization. The applicant must submit information relating to the qualifications of the architects, notices of incorporation, bylaws, and the names of the registered architects responsible for the firm.

### Seal and Sign Provisions.

Applicants must obtain a seal of the design authorized by the Board bearing the architect's name, registration number, the legend "Registered Architect," and the name of the state. Drawings prepared by the registrant must be sealed and signed by the registrant when filed with public authorities. It is unlawful to seal and sign a document after a registrant's certificate of registration or authorization has expired or been revoked or suspended.

### Exemptions.

The architecture registration provisions do not affect or prevent:

- the practice of naval architecture, landscape architecture, engineering, space planning, interior design, or any legally recognized profession or trade by persons not registered as architects;
- drafters, clerks, project managers, superintendents, and other employees of architects, engineers, naval architects, or landscape architects from acting under the instructions, control, or supervision of their employers;
- the construction, alteration, or supervision of construction of buildings or structures by contractors or superintendents employed by contractors or the preparation of shop drawings in connection therewith;
- owners or contractors from engaging persons who are not architects to observe and supervise construction of a project;
- any person from doing design work, including preparing construction contract documents and administration of the construction contract, for the erection, enlargement, repair, or alteration of a structure or any appurtenance to a structure, if the structure is to be used for a residential building of up to and including four dwelling units or a farm building, or is a structure used in connection with or auxiliary to such residential building or farm building such as a garage, barn, shed, or shelter for animals or machinery;
- any person from doing design work, including preparing construction contract documents and administering the contract, for construction, erection, enlargement, alteration, or repairs of or to a building of any occupancy up to 4,000 square feet of construction;
- design-build construction by registered general contractors if the structural design services are performed by a registered engineer;
- any person from designing buildings or doing other design work for any structure prior to the time of filing for a building permit; or
- any person from designing buildings or doing other design work for structures, if the plans, which may include such design work, are stamped by a registered engineer or architect.

#### Uniform Regulation of Business and Professions Act.

The Department of Licensing (Department) regulates many businesses and professions under specific licensing laws. Each business and profession is under either the disciplinary authority of the Director of the Department, or a board or commission charged with regulating that particular profession. The Uniform Regulation of Business and Professions Act provides consolidated disciplinary procedures for these licensed businesses and professions. Regulation of architects by the Board follows these provisions.

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#### **Summary of Bill:**

##### Practice of Architecture.

Predesign services are added to the definition of "practice of architecture." An architect or architectural firm, registered in a jurisdiction recognized by the Board, may offer to practice in Washington if:

- it is clearly and prominently stated in the offer that they are not registered to practice in Washington; and
- prior to practicing architecture or signing a contract to provide architectural services, the architect or firm registers to practice in Washington.

A person with an accredited architectural degree may use the title "intern architect" when enrolled in an intern program recognized by the Board and working under the supervision of an architect.

#### Definitions.

Several definitions are added. "Prototypical documents" means drawings or specifications, prepared by a person registered as an architect in any state or as otherwise approved by the Board, that are not intended as final and complete technical submissions for a building project, but rather are to serve as a prototype for a building or buildings to be adapted by an architect for construction in more than one location.

A "review" means a process of examination and evaluation, of the documents, for compliance with applicable laws, codes, and regulations affecting the built environment that includes the ability to control the final product.

#### State Board for Architects.

The name of the Board is changed and various technical edits are made.

#### Application Qualifications.

In addition to the path for those with a degree in architecture, applicants may qualify with a high school diploma or equivalent and 12 years practical architectural work experience, which may include designing buildings and postsecondary education approved by the Board. At least six years of work experience must be under the direct supervision of a registered architect and include completing the requirements of a structured intern training program approved by the Board. An applicant may receive up to four years of practical architectural work experience for post-secondary courses in architecture, architectural technology, or a related field, including courses completed at a community or a technical college, if the courses are equivalent to courses in an accredited architectural degree program.

All persons enrolled in an intern training program before July 1, 2011, are governed by the statute in effect at the time of enrollment in the program.

#### Examination.

Applicants taking the examination for an architect's certificate have five years from the date of the first passed section to pass all remaining sections. If the entire examination is not successfully completed within five years, any sections that were passed more than five years prior must be retaken. The requirement to retake the entire examination if the entire examination is not successfully completed within five years is removed. If a candidate fails to pass all remaining sections within the initial five-year period, the candidate is given a new five-year period from the date of the second oldest passed section. All sections of the examination must be passed within a single five-year period.

Applicants for registration who have an accredited architectural degree may begin taking the licensing examination upon enrollment in a structured intern training program as approved by

the Board. Applicants who do not have an accredited architectural degree may only take the examination after completing the experience and intern requirements.

#### Seal and Sign Provisions.

Several clarifications and technical changes are made to the seal and sign provisions. An architect may only seal and sign technical submissions that are: prepared by the architect; prepared by the architect's regularly employed subordinates; or prepared in part by an individual or firm under a direct subcontract with the architects. An architect may seal and sign technical submissions based on prototypical documents provided that: the architect obtains written permission from the architect who prepared or sealed the prototypical documents, and from the legal owner to adapt the prototypical documents; and the architect thoroughly analyzes the prototypical documents and adds all required elements and design information. The architect sealing and signing technical submissions retains full responsibility.

#### Continuing Education.

To renew a registration, an architect must demonstrate professional development since the last renewal or initial registration. The Board must develop rules, procedures, and exemptions for acceptable professional development activities. The rules must be consistent with the continuing professional education requirements in use by national professional organizations.

#### Corporate Practice and Registration.

Any business offering architecture services in Washington must register with the Board. A business must file a list of individuals registered as responsible for the practice of architecture by the business entity in the state and information about its organization and activities as the Board establishes by rule. Any business entity practicing or offering to practice architecture is jointly and severally responsible to the same degree as an individual registered architect.

#### Exemptions.

In addition to various technical edits and clarifications, an exemption is added for persons doing design work, preparing construction contract documents, and administering a contract for the enlargement, repair, or alteration of up to 4,000 square feet in a building that is larger than 4,000 square feet. This exemption only applies when the building is single-story with an at-grade level exit and the enlargement, alteration, or repairs do not affect the life safety of the occupants or structural systems of the building. This exemption does not allow for multiple projects in a single building if the combined square footage of the projects is greater than 4,000 square feet.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed, except for section 5, relating to application requirements, which takes effect on

July 1, 2011, and sections 7 through 10, relating to the seal and sign requirements, exemptions, corporate practice and registration, and registration renewals, which take effect on July 1, 2010.

**Staff Summary of Public Testimony:**

(In support) The architecture licensing laws have not been updated for quite some time. The national requirements have changed and Washington's laws should keep in line with those. The industry has changed and so the corporate registration requirement has changed so that all firms need to register, regardless of how they are organized. The exemptions have been clarified to increase transparency for the public and to make it easier on licensees.

Some issues with the education and experience requirements were addressed once the bill came out of committee. Thirty-nine other states do not have an alternate route to architecture licensing. The decision was made to maintain the alternate route, but make it more stringent. It is good for students that community and technical colleges were added into the bill.

(With concerns) There are some concerns with how the 4,000 square foot exemption will work and the Associated General Contractors will work with the proponents to resolve this issue.

(Opposed) None.

**Persons Testifying:** (In support) Senator Jarrett, prime sponsor; Stan Bowman, American Institute of Architects Washington Council; Peter Rasmussen, Architects Rasmussen Triebelhorn; and Pat Ward, State Board for Community and Technical Colleges.

(With concerns) Rick Slunaker, Associated General Contractors of Washington.

**Persons Signed In To Testify But Not Testifying:** None.

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**HOUSE COMMITTEE ON GENERAL GOVERNMENT APPROPRIATIONS**

**Majority Report:** Do pass as amended. Signed by 13 members: Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Blake, Crouse, Dunshee, Hudgins, Kenney, Pedersen, Sells, Short and Williams.

**Minority Report:** Do not pass. Signed by 1 member: Representative Armstrong.

**Staff:** Serah Stetson (786-7109)

**Summary of Recommendation of Committee On General Government Appropriations Compared to Recommendation of Committee On Commerce & Labor:**

The bill as amended by the General Government Appropriations Committee adds a requirement that the architects board prepare a report evaluating the impact of changes made

to allowable practices in section 8 of the bill and submit that report to the Legislature by December 31, 2011.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Amended Bill:** The bill takes effect 90 days after adjournment of the session in which the bill is passed, except for section 5, relating to application requirements, which takes effect on July 1, 2011, and sections 7 through 10, relating to the seal and sign requirements, exemptions, corporate practice and registration, and registration renewals, which take effect on July 1, 2010.

**Staff Summary of Public Testimony:**

(In support) It is difficult to enforce architecture regulations because of the confusion that results from the differences in licensing requirements between corporations and business entities. This bill expands the base of businesses that will be required to register. Additionally, the exemptions in existing statute were so confusing that building officials had a hard time implementing them. This bill attempts to clean up those issues without changing the substance of the previous exemptions. The drafting of this bill started four years ago and two years of drafting occurred before a bill was introduced. The bill does not create a new fee; it simply raises fees because it is more properly regulating businesses than the current law is. If revenues exceed expenditures, the Department of Licensing could reduce the licensing and renewal fees in the future.

(With concerns) The 4,000 square foot exemption could be an issue for contractors. The words currently in law say "4,000 square feet of construction." The words in the proposed bill say "4,000 square feet of building size." That is a substantive change. The Board of Architects should be required by the Legislature to significantly evaluate the effect of the changes to the language dealing with this exemption and report back.

**Persons Testifying:** (In support) Peter Rasmussen, Architects Rasmussen, Triebelhorn PS; and Stan Bowman, American Institute of Architects Washington Council.

(With concerns) Rick Slunaker, Associated General Contractors.

**Persons Signed In To Testify But Not Testifying:** None.